

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

In the matter of the application of

THE BANK OF NEW YORK MELLON (as Trustee under various Pooling and Servicing Agreements and Indenture Trustee under various Indentures),

Petitioner,

-against-

AMERICAN INTERNATIONAL GROUP, INC., AMERICAN GENERAL ASSURANCE COMPANY, AMERICAN GENERAL LIFE AND ACCIDENT INSURANCE COMPANY, AMERICAN GENERAL LIFE INSURANCE COMPANY, AMERICAN GENERAL LIFE INSURANCE COMPANY OF DELAWARE, AMERICAN HOME ASSURANCE COMPANY, AMERICAN INTERNATIONAL LIFE ASSURANCE COMPANY OF NEW YORK, CHARTIS PROPERTY CASUALTY COMPANY, CHARTIS SELECT INSURANCE COMPANY, COMMERCE AND INDUSTRY INSURANCE COMPANY, FIRST SUNAMERICA LIFE INSURANCE COMPANY, LEXINGTON INSURANCE COMPANY, NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA, NEW HAMPSHIRE INSURANCE COMPANY, SUNAMERICA ANNUITY AND LIFE ASSURANCE COMPANY, SUNAMERICA LIFE INSURANCE COMPANY, THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA, THE UNITED STATES LIFE INSURANCE COMPANY IN THE CITY OF NEW YORK, THE VARIABLE ANNUITY LIFE INSURANCE COMPANY, and WESTERN NATIONAL LIFE INSURANCE COMPANY (collectively "AIG") (proposed intervenors),

Respondents,

for an order pursuant to CPLR § 7701 seeking judicial instructions and approval of a proposed settlement.

Index No. 651786/2011

Assigned to: Kapnick, J.

**AFFIDAVIT OF  
MICHAEL T.  
KOTLARCZYK**

STATE OF COLORADO           )  
  )  
CITY AND COUNTY OF DENVER )

MICHAEL T. KOTLARCZYK, being duly sworn, deposes and says:

1. I am a member of the firm of Reilly Pozner LLP, 1900 16<sup>th</sup> Street, Suite 1700, Denver, Colorado 80202, counsel for proposed intervenors AIG in this litigation. I


am familiar with the proceedings in this case, have personal knowledge of the facts set forth herein and make this affidavit in support of the application of Michael A. Rollin, Esq. of Reilly Pozner LLP, attorneys of record for AIG, to admit me as counsel *pro hac vice* to represent AIG in this matter, together with Mr. Rollin, pursuant to 22 NYCRR 520.11(a)(1) and 22 NYCRR 602.2(a).

2. As evidenced by the attached Certificate of Good Standing, I am an active member in good standing of the Bar of the State of Colorado, having been admitted to practice law in Colorado on May 24, 2011.

3. I am familiar with, and agree to be bound by, the standards of professional conduct imposed upon members of the New York bar, including the rules of court governing the conduct of attorneys and the Disciplinary Rules of the Code of Professional Responsibility. I acknowledge and agree that I shall be subject to the jurisdiction of the courts of the State of New York with respect to any acts occurring during the course of my participation in this matter.

4. There are no disciplinary proceedings pending against me in the State of Colorado or in any other jurisdiction, nor have there ever been any such proceedings brought against me in any jurisdiction.

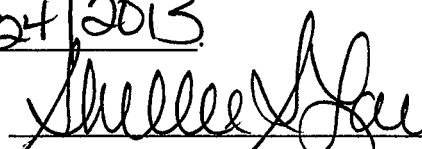
5. To the best of my recollection I have not previously been admitted *pro hac vice* in this Court.

  
Michael T. Kotlarczyk

SUBSCRIBED AND SWORN TO before me this 8th day of August, 2011.

WITNESS my Hand and Official Seal.

My Commission Expires: 11/24/2013

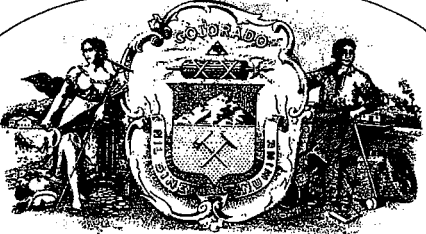
  
Notary Public



My Commission Expires Nov. 24, 2013

[S\*E\*A\*L]

# SUPREME COURT



## State of Colorado,

STATE OF COLORADO, ss:

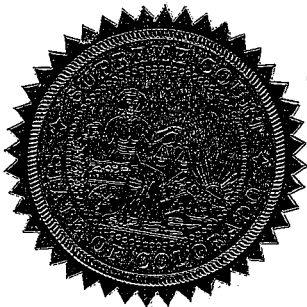
I, Christopher T. Ryan Clerk of the Supreme Court of the State of Colorado, do hereby certify that

Michael Thomas Kotlarczyk

has been duly licensed and admitted to practice as an

ATTORNEY AND COUNSELOR AT LAW

within this State; and that his/her name appears upon the Roll of Attorneys and Counselors at Law in my office of date the 24<sup>th</sup> day of May A. D. 2011 and that at the date hereof the said Michael Thomas Kotlarczyk is in good standing at this Bar.



IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Supreme Court, at Denver, in said State, this

2<sup>nd</sup> day of August A. D. 2011

Christopher T. Ryan

Clerk

By

Carla Trujillo

Deputy Clerk